

WILLIAM C. LEVIER, JR.
2544 State Route 156
Shelocta, PA 15774

Plaintiff,

vs.

INDIANA REGIONAL MEDICAL
CENTER
835 Medical Road
Indiana, PA 15701-0788

Defendant.

Case No.

COMPLAINT

FILED ON BEHALF OF:
Plaintiff, William C.
LeVier, Jr.

COUNSEL OF RECORD FOR
PARTY:
Neal A. Sanders, Esquire
PA ID NO. 54618
Dirk D. Beuth, Esquire
PA ID NO. 76036
Law Offices of Neal A. Sanders
1924 North Main Street Ext.
Butler, Pennsylvania 16001

(724) 282-7771

JURY TRIAL DEMANDED

Plaintiff William C. LeVier, Jr. complaining of Defendant
Indiana Regional Medical Center, alleges as follows:

1. Plaintiff, William C. LeVier, Jr., is an individual citizen who currently resides at 2544 State Route 156, Shelocta, Pennsylvania 15744.

2. Defendant, Indiana Regional Medical Center, is a hospital. Defendant has administrative offices and principal place of business located at 835 Medical Road, Indiana, Pennsylvania 15701.

JURISDICTION AND VENUE

3. This action arises under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 et seq. The PHRA claim will be the subject of a First Amended Complaint.

4. Jurisdiction over Count I of this action is conferred upon this Court by 29 U.S.C. §626(c) and 28 U.S.C. § 1331.

5. Venue is properly laid in the Western District of Pennsylvania, because the Defendant is situate within this District and all transactions and occurrences which give rise to this action occurred within this District.

COUNT I **ADEA**

6. Defendant is an employer within the meaning of the ADEA, 29 U.S.C. § 630(b). Specifically, Defendant is an employer in an industry affecting commerce that employed twenty (20) or more employees in each of twenty (20) or more weeks in the preceding calendar year.

7. At all times relevant hereto, Plaintiff, who was born in 1954, was a member of the class protected by the ADEA.

8. On or about October 11, 2004, Plaintiff was initially employed by the Defendant as a Guest Services Representative.

9. At all times relevant hereto, Plaintiff was qualified for the position of Guest Services Representative.

10. On or about May 5, 2009, Plaintiff was falsely accused of being rude to a member of a patient's family.

11. Plaintiff was immediately placed on suspension.

12. On May 7, 2009, Plaintiff was informed that his employment was being terminated.

13. Plaintiff believes, and therefor avers, that following his termination he was replaced with a substantially younger individual.

14. The Defendant, acting through its employees and agents, was motivated by Plaintiff's age when it terminated Plaintiff's employment.

15. By reason of the foregoing, the Defendant unlawfully discriminated against the Plaintiff because of his age when it terminated his employment and, in doing so, the Defendant violated the ADEA, 29 U.S.C. § 626(a)(1).

16. As the direct and proximate result of the Defendant's actions set forth above, the Plaintiff has suffered loss of wages, loss of pension benefits, loss of insurance benefits, loss of other fringe benefits, loss of the opportunity to continue the gainful employ in which he had been engaged, loss of future earnings, and front pay, and loss of time and money in endeavoring to protect himself from Defendant's unlawful discrimination, including the costs and reasonable attorney's fees of this action.

17. The Defendant willfully violated the ADEA or with reckless disregard for whether its actions were prohibited such that an award of liquidated damages is appropriate.

18. Prior to filing this action Plaintiff exhausted his administrative remedies with the EEOC. The PHRC will be closing its file soon. More than 60 (sixty) days have elapsed since the EEOC assumed jurisdiction on or about June 2, 2009.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in his favor and against the Defendant and award Plaintiff back pay, front pay or reinstatement, liquidated damages and reasonable costs and attorney's fees.

Respectfully submitted,

LAW OFFICES OF NEAL A. SANDERS

Dated: January 14, 2010

By: /s/Neal A. Sanders
Neal A. Sanders, Esq.
PA ID NO. 54618
Co-Counsel for Plaintiff,
William C. LeVier, Jr.

By: /s/Dirk D. Beuth
Dirk D. Beuth, Esq.
PA ID NO. 76036
Co-Counsel for Plaintiff,
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JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

By: /s/Neal A. Sanders
Neal A. Sanders, Esq.

By: /s/Dirk D. Beuth
Dirk D. Beuth, Esq.